JS 44   (Rev 04/21)   CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.   *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

ELSTON, SHIRLEY

DEFENDANTS

VIRGIN PULSE, INC. and WELLTOK, INC.

(b) County of Residence of First Listed Plaintiff   Pierce Cnty., WA
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Hagens Berman Sobol Shapiro LLP, 1301 2nd Ave., Ste. 2000, Seattle, WA 98101; (206) 623-7292

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

☐ 1 U S Government Plaintiff	☐ 3 Federal Question *(U.S. Government Not a Party)*
☐ 2 U S Government Defendant	☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*   Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	**PERSONAL INJURY** **PERSONAL INJURY**	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane ☐ 365 Personal Injury -	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 315 Airplane Product Product Liability			☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	Liability ☐ 367 Health Care/		**INTELLECTUAL PROPERTY RIGHTS**	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 320 Assault, Libel & Pharmaceutical Slander Personal Injury		☐ 820 Copyrights	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 330 Federal Employers' Product Liability		☐ 830 Patent	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	Liability ☐ 368 Asbestos Personal ☐ 340 Marine Injury Product ☐ 345 Marine Product Liability		☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark	☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 153 Recovery of Overpayment of Veteran's Benefits	Liability **PERSONAL PROPERTY** ☐ 350 Motor Vehicle ☐ 370 Other Fraud	**LABOR**	☐ 880 Defend Trade Secrets Act of 2016	☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle ☐ 371 Truth in Lending	☐ 710 Fair Labor Standards Act		☐ 485 Telephone Consumer
☐ 190 Other Contract	Product Liability ☒ 380 Other Personal	☐ 720 Labor/Management	**SOCIAL SECURITY**	Protection Act
☐ 195 Contract Product Liability	☐ 360 Other Personal Property Damage	Relations	☐ 861 HIA (1395ff)	☐ 490 Cable/Sat TV
☐ 196 Franchise	Injury ☐ 385 Property Damage ☐ 362 Personal Injury - Product Liability Medical Malpractice	☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act	☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI	☐ 850 Securities/Commodities/ Exchange ☐ 890 Other Statutory Actions
REAL PROPERTY	**CIVIL RIGHTS** **PRISONER PETITIONS**	☐ 790 Other Labor Litigation ☐ 791 Employee Retirement	☐ 865 RSI (405(g))	☐ 891 Agricultural Acts ☐ 893 Environmental Matters
☐ 210 Land Condemnation	☐ 440 Other Civil Rights **Habeas Corpus:**	Income Security Act	**FEDERAL TAX SUITS**	☐ 895 Freedom of Information
☐ 220 Foreclosure	☐ 441 Voting ☐ 463 Alien Detainee		☐ 870 Taxes (U S Plaintiff	Act
☐ 230 Rent Lease & Ejectment	☐ 442 Employment ☐ 510 Motions to Vacate		or Defendant)	☐ 896 Arbitration
☐ 240 Torts to Land	☐ 443 Housing/ Sentence		☐ 871 IRS—Third Party	☐ 899 Administrative Procedure
☐ 245 Tort Product Liability	Accommodations ☐ 530 General		26 USC 7609	Act/Review or Appeal of
☐ 290 All Other Real Property	☐ 445 Amer w/Disabilities - ☐ 535 Death Penalty	**IMMIGRATION**		Agency Decision
	Employment **Other:** ☐ 446 Amer w/Disabilities - ☐ 540 Mandamus & Other	☐ 462 Naturalization Application ☐ 465 Other Immigration		☐ 950 Constitutionality of State Statutes
	Other ☐ 550 Civil Rights ☐ 448 Education ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	Actions		

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding	☐ 2 Removed from State Court	☐ 3 Remanded from Appellate Court	☐ 4 Reinstated or Reopened	☐ 5 Transferred from Another District *(specify)*	☐ 6 Multidistrict Litigation - Transfer	☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. § 1332(d)(2) and 28 U.S.C. § 1332(d)(2)(A)

Brief description of cause:
Data breach / failure to properly secure and safeguard personally identifiable information

VII. REQUESTED IN COMPLAINT: ☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.   DEMAND $ _____   CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes   ☐ No

VIII. RELATED CASE(S) IF ANY   *(See instructions):*   JUDGE _____   DOCKET NUMBER _____

DATE	SIGNATURE OF ATTORNEY OF RECORD
February 2, 2024	/s/ Sean R. Matt

FOR OFFICE USE ONLY

RECEIPT # _____   AMOUNT _____   APPLYING IFP _____   JUDGE _____   MAG JUDGE _____